

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ILLINOIS
3 WESTERN DIVISION

3 UNITED STATES OF AMERICA,) Docket No. 11 CR 50062
4))
5) Rockford, Illinois
6) Wednesday, October 7, 2015
7) 9:00 o'clock a.m.
8))
9 DAYTON POKE,))
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8 TRANSCRIPT OF PROCEEDINGS
9 BEFORE THE HONORABLE FREDERICK J. KAPALA

10 APPEARANCES:

11 For the Government: HON. ZACHARY T. FARDON
12 United States Attorney
13 (327 S. Church Street,
14 Rockford, IL 61101) by
15 MR. SCOTT R. PACCAGNINI
16 Assistant U.S. Attorney
17 For the Defendant: MR. PETER HENDERSON
18 Assistant Federal Public Defender
19 (300 W. Main Street,
20 Urbana, IL 61801)
21 MR. FRANKLIN C. COOK
22 (P.O. Box 237,
23 Freeport, IL 61032)
24 Court Reporter: Mary T. Lindbloom
25 327 S. Church Street
 Rockford, Illinois 61101
 (779) 772-8309

1 THE CLERK: 11 CR 50026, U.S.A. v. Dayton Poke.

2 MR. PACCAGNINI: Good morning, your Honor. Scott
3 Paccagnini standing in for Joe Pedersen.

4 MR. HENDERSON: Good morning. Peter Henderson by
5 telephone.

6 THE COURT: Good morning.

7 Mr. Henderson, the case comes before the court on your
8 status report and your request to withdraw as attorney for
9 Mr. Poke. I understand from the status report that you have
10 contacted Mr. Poke and that he told you he had no objection.

11 MR. HENDERSON: That's correct. He e-mailed me back
12 maybe about a week ago or so and said he had no objection, and I
13 talked to him yesterday, and he understands what's going on and
14 has no objection to me withdrawing.

15 THE COURT: All right. I'll grant your motion. You're
16 no longer representing Mr. Poke in this case, Mr. Henderson.
17 Thank you for all your assistance and for your help.

18 MR. HENDERSON: Thank you, your Honor.

19 THE COURT: You're welcome.

20 The case remains on remand from the Seventh Circuit for
21 resentencing. I will appoint Attorney Frank Cook to represent
22 the defendant. Mr. Cook?

23 MR. COOK: Good morning, your Honor.

24 THE COURT: Good morning. When would you like me to
25 set this for resentencing?

1 MR. COOK: I would think at least 30 days, your Honor.
2 I just kind of briefly read the appellate decision. So, I want
3 to try to digest that.

4 THE COURT: How about November 5th?

5 MR. PACCAGNINI: Your Honor, do you know is pretrial
6 going to be issuing another report for this, do you know?

7 THE COURT: I haven't asked them.

8 MR. PACCAGNINI: Okay. That should be fine.

9 MR. COOK: That would be fine with me, your Honor.

10 THE COURT: Do either of the parties wish pretrial to
11 issue another report?

12 MR. PACCAGNINI: I mean, I don't think based on what
13 the Seventh Circuit's opinion was, I don't think it's necessary
14 because it didn't really go to any of the guidelines. It seems
15 like it's more of 3553(a) factors from what I recall.

16 MR. COOK: I'm not fully informed at this point. I
17 suspect that if that were to strike me as something that might
18 be appropriate, maybe I could bring that up at the time.

19 THE COURT: All right. Or bring it up before then so
20 we can have it ready on the 5th.

21 MR. COOK: Right.

22 THE COURT: November 5th at 9:30.

23 Susan, you'll make arrangements with the Marshal's
24 Office to have Mr. Poke here?

25 THE CLERK: I will let them know.

1 THE COURT: All right. We'll see you then. Thank you
2 very much.

3 MR. PACCAGNINI: Thank you, your Honor.

4 (Which were all the proceedings had in the above-entitled
5 cause on the day and date aforesaid.)

6 I certify that the foregoing is a correct transcript from
7 the record of proceedings in the above-entitled matter.

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9

/s/ Mary T. Lindbloom

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Official Court Reporter

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